



# Government Gazette

FOR THE COLONIES OF  
VANCOUVER ISLAND AND BRITISH COLUMBIA

PUBLISHED BY AUTHORITY.

No. 14.] VICTORIA, VANCOUVER ISLAND, SATURDAY, DECEMBER 10, 1859. [PRICE 6d.

## MINUTES OF COUNCIL.

VICTORIA, VANCOUVER ISLAND,  
December 7th, 1859.

The Council met this day pursuant to notice, for the special purpose of attending on the occasion of His Excellency's proroguing the House of Assembly.

### PRESENT:

His Excellency the Governor.  
Hon. Roderick Finlayson, Senior Member.  
Hon. John Work.  
Hon. Donald Fraser.

And the following members of the House of Assembly.

John S. Helmcken, Esquire, Speaker.  
James Yates, Esquire.  
Joseph D. Pemberton, Esquire.  
T. I. Skinner, Esquire.  
Joseph W. McKay, Esquire.

His Excellency addressed the House as follows:—

Gentlemen of the House of Assembly,—

I have summoned you to meet me on this occasion, in order to release you from your legislative duties.

A protracted session, extending over a period exceeding three years, has led to many changes in the Colony. The town and district of Victoria, as well as other districts of Vancouver Island, have during that time advanced in wealth and population, with a rapidity surpassing our warmest expectations; and I am, from circumstances, led to entertain the most confident hopes of the future progress of the Colony.

I thank you gentlemen, for the zeal and diligence with which you have applied yourselves to your public duties, and for the support which I have received from you.

It is my intention to dissolve this present Assembly without delay, and to summon a new House fully representing the growing constituencies of the Colony; and I sincerely hope that, in the exercise of the high functions, which according to the free constitution of our country will devolve upon those constituencies, they may be led to the selection of representatives whose wisdom and patriotism may aid me, in devising and carrying into effect, the measures which appear to be indispensably necessary in promoting the early settlement of the country, the develop-

ment of its resources, and the general well-being and prosperity of the Colony.

It is not my intention to take up the time of the House, by entering into a review of those measures at present; but I will nevertheless remark, that there appears to be an obvious necessity for an early revision of the Land System, which ought to be placed on a sound and liberal basis for the encouragement of settlers.

The records of History prove that Nations must be producers in order to become prosperous and wealthy.

I shall therefore recommend that early measures be adopted to encourage agriculture; the raising of stock; and the improvement of sheep and cattle; to stimulate the establishment of fisheries; the working of coal mines; the export and manufacture of ship's masts and timber—sources of wealth with which the Colony abounds.

The repair and construction of public roads, and other important works, will also have the strongest claims upon the attention of the Legislature.

The Legislature will further have to take into early consideration the means of raising a revenue for defraying the necessary expenses of Government, and especially for extending and improving national education as the most certain means of elevating the moral and social condition of the people.

With those few remarks, I will release you, Gentlemen, from further attendance.

The Secretary to the Council then proceeded to announce the Prorogation of the Assembly to Thursday, the 2nd day of February next.

The Members of the House of Assembly then withdrew.

#### VANCOUVER ISLAND.

COLONIAL SECRETARY'S OFFICE,  
VICTORIA, 6th December, 1859.

*Appointments by His Excellency the Governor.*

W. M. T. DRAKE, Esquire, to be Reviser of the List of

Voters, under the "Registration of Voters Act, 1859."

8th December, 1859.

Mr. SAMUEL HARRIS, to be a Constable for the District of Cowitchien.

#### SUMMARY COURT OF CIVIL JUSTICE OF VANCOUVER ISLAND.

A SESSION of this court is appointed to be holden at Victoria on Monday, the nineteenth day of December, 1859.

GEORGE W. HEATON,  
Sheriff of Vancouver Island, and  
High Bailiff of said Court.

#### BRITISH COLUMBIA.

COLONIAL SECRETARY'S OFFICE,  
VICTORIA, VANCOUVER ISLAND,  
19th November, 1859.

*Appointment by His Excellency, the Governor.*

JOHN BOLES GAGGIN, Esquire, to be a Justice of the Peace of British Columbia, for the District of Port Douglas.

#### IN THE SUPREME COURT OF CIVIL JUSTICE OF BRITISH COLUMBIA.

WHEREAS, the practice of the said supreme court is too slow and expensive to meet the exigencies of suitors in the recovery of small debts and demands and it is expedient that other rules of practice should be adopted, giving a cheaper and more summary process for the recovery of small debts and demands, I do hereby order that all pleas of personal actions where the debt or damage claimed is not more than £50, whether on balance of account or otherwise, may be holden in this court without writ, and all such actions may be heard and determined in a summary way, according to the provisions of the Acts of the Imperial Parliament of Great Britain, now in force for the regulation of County Courts in England, so far as the same are capable of application.

The rules and forms of practice and fees of court shall be the same as the rules, forms, and fees adopted and enforced in the inferior or summary Court of Civil Justice of Vancouver Island.

MATT. B. BEGBIE, J.

Port Douglas, B. C., 4th July, 1859.

#### SUPREME COURT OF CIVIL JUSTICE OF BRITISH COLUMBIA.

##### GENERAL ORDER OF COURT.

I. All stipendiary Magistrates and Assistant Gold

Commissioners, or other persons lawfully exercising the jurisdiction of Justices of the Peace in British Columbia, are hereby authorized and empowered to act as Deputy Registrars of this Court.

II. All writs and appearances and other proceedings according to the practice of the Supreme Court are to be made returnable at New Westminster.

All writs of summons issued after the 31st day of March, and before the 1st day of October, in any year, shall be made returnable on the 15th day of November, in the same year.

All writs of summons issued after the 30th day of September in any year, and before the 1st day of April, in the next year, shall be made returnable on the first day of June, next ensuing.

All complaints in suits for sums under £50, commenced under the General Order of the 4th July last, shall be made returnable before the Court at its next sittings for the place where it may have been issued.

III. All affidavits, depositions, and declarations, required in any suit or action in this Court, may be made and taken before any person lawfully exercising the jurisdiction and authority of a Justice of the Peace in British Columbia.

IV. So much of the General Order of the 31st December, 1858, as relates to the fees of court upon issuing, entering, and filing, writs of summons and subpoenas, is cancelled, and in lieu thereof it is ordered that there shall be taken as the court fee for issuing and entering any writ of summons, the sum of 12s., and for filing the same when returned, the sum of 2s., and for issuing any subpoena the sum of 4s.

V. So much of rule 140, of the General Order of the Supreme Court of Civil Justice in Vancouver Island, as declares, that "the days from and including the 24th day of July to the 13th day of October, inclusive, in each year, shall not be reckoned days within which any writ of summons, defence, or other pleading shall be filed, nor shall any such pleading be filed or received upon such days, except a plea of confession, or consent for judgment," is hereby cancelled, so far as relates to the practice in this Court.

VI. The Deputy Registrars will be furnished with blank forms of writs of summons, sealed and numbered, which they are to issue to any person requiring the same, taking the fee and 2s. extra for the summons, itself. But any person is to be at liberty to take a copy of the writ gratis.

VII. Every summons issued and appearance or other proceeding had or taken, is to be forthwith communicated by post to the Registrar, A. T. Bushby Esquire, at New Westminster, stating at length the names and additions of every plaintiff and defendant, and the date of issuing or entering the summons, or other proceedings as the case may be.

MATT. B. BEGBIE, J.

New Westminster, B. C. 2nd August, 1859.

## SUPREME COURT OF CIVIL JUSTICE OF BRITISH COLUMBIA.

### GENERAL ORDER OF COURT.

IN conformity with the Treasury order of the 30th August 1859, all debts and contracts made and entered into in dollars and cents, of the currency of the United States of North America, may be delivered for, and received at the rate of one pound sterling, for five dollars.

MATT. B. BEGBIE, J.

New Westminster, 8th September, 1859.

## BRITISH COLUMBIA. PROCLAMATION.

By His Excellency JAMES DOUGLAS,  
Companion of the most Honorable Order  
of the Bath, Governor and Commander-  
in-Chief of Her Majesty's Colony of  
British Columbia, and its dependencies.

WHEREAS, by virtue of an Act of Parliament, made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same.

And Whereas, it is expedient to raise further revenue for the purpose of opening and improving the communications, navigation, and roads in British Columbia.

Now, therefore, I do hereby declare, proclaim, and enact as follows:

That the following monies and tolls shall be levied on all wares, goods, and merchandize, carried in British Columbia from the 1st of January, 1860:—

Twelve shillings for every ton of wares, goods, and merchandize transported or taken from New Westminster to any place in British Columbia.

The said twelve shillings per ton shall be paid by the person proposing to take away or transport any wares, goods, or merchandize aforesaid to Her Majesty's Collector of Customs at New Westminster, before taking away or transporting any such wares, goods,

or merchandize from New Westminster aforesaid.

The ton aforesaid shall be calculated where the wares, goods, and merchandize are of a character generally estimated by admeasurement by admeasurement, and in all other cases by weight.

Whenever any wares, goods, or merchandize shall be proposed to be carried or transported from New Westminster aforesaid, by any common carrier, either by land or water, whether on his own account or on account of any other person, the tolls and monies aforesaid shall be levied on and payable by the common carrier aforesaid.

Any person wilfully evading or attempting to evade the payment of the same, shall be fined treble the amount of toll, or any sum not exceeding £100, at the discretion of the magistrate.

Any penalty under this Act may be recovered and enforced before any Magistrate in British Columbia in a summary way.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, the second day of December, one thousand eight hundred and fifty-nine, in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS,

By command of His Excellency,

WILLIAM A. G. YOUNG,

Acting Colonial Secretary.

Printed every SATURDAY, by LEONARD McCLEURE, at the Office, Yates-street, Victoria, in the Colony of Vancouver Island.